

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:23-CV-657-BO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	SECOND CONSENT ORDER
v.)	SUBSTITUTING <i>RES</i>
)	
SIMS REAL PROPERTY, ET AL.,)	
)	
Defendants.)	

This matter is before the Court on the parties' second joint motion to substitute United States Currency as a party defendant in lieu of one of the previously captioned properties. By signing below, the parties have informed the Court of the following:

1. The parties entered into a Stipulation to Sale of Real Property with respect to the disposition of the parcel of real property being legally described in the Special Warranty Deed with Vendor's Lien Recorded as Instrument Number RP-2022-392295 of the Harris County (Texas) Records, and having the physical address of 919 Enclave Lake Drive, Houston, Texas 77077 (hereinafter, the "Claimed Property"), to which Claimant Brandon E. Sims ("Claimant") filed a claim.

2. Claimant, with the Government's consent, sold the Claimed Property and tendered to the United States a check in the amount of \$328,161.65 ("First Substitute Res"), which was held in the U.S. Department of Treasury's Seized Asset Deposit Fund and which amount the Court substituted for the Claimed Property as

a party-defendant in this action. See [D.E. 45].

3. At the request of the title insurer for the Claimed Property, and with Claimant's consent, the United States returned \$865.41 of the First Substitute Res to satisfy an outstanding lien on the Claimed Property.

4. The remaining balance of \$327,296.24 ("Second Substitute Res") is currently being held in the U.S. Department of Treasury's Seized Asset Deposit Fund. The parties agree that the Second Substitute Res shall be substituted for the First Substitute Res as a party-defendant in this action, and that upon such substitution, the First Substitute Res shall be dismissed as a party-defendant from this action.

In light of the foregoing, it is, therefore,


ORDERED that the \$327,296.24 in U.S. Currency tendered by Claimant and currently being held in the Seized Asset Deposit Fund is SUBSTITUTED for the First Substitute Res as a party-defendant and shall be subject to forfeiture as an *in rem* Defendant in this action and as a substitute *res* for the First Substitute Res in this and any other related criminal forfeiture proceeding;

ORDERED that the First Substitute Res (\$328,161.65) is DISMISSED from this action as a party-defendant; and

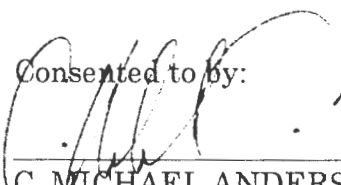
ORDERED that each party shall bear its own attorneys' fees, costs and expenses in connection with this Agreement.

[Remainder of page intentionally left blank; signatures to follow]

SO ORDERED this 13 day of April, 2025.


TERRENCE W. BOYLE
United States District Judge

Consented to by:


C. MICHAEL ANDERSON
Attorney for United States of America

FEB. 13, 2025
DATE


JOSEPH E. ZESZOTARSKI
Attorney for Claimant Brandon Sims

2/15/2025
DATE